

Remarks

Claims 1, 7-17 and 20 were pending and were under consideration.

Claims 8-11 are canceled.

Claims 1, 16 and 17 are amended.

Claims 1, 7, 12-17 and 20 are now pending and are under consideration.

The present claims are amended to limit the thermoplastic substrate to polypropylene and to limit the flame retardant of component (ii) to tris[3-bromo-2,2-(bromomethyl)propyl] phosphate or decabromodiphenylether. Polypropylene finds support in original claim 9. The flame retardants are from original claim 10 and the last paragraph of page 60 of the disclosure. Tris[3-bromo-2,2-(bromomethyl)propyl] phosphate is equivalent to tribromopentylphosphate.

No new matter is added.

The present claims are rejected under 35 USC 103(a) as being unpatentable over WO 99/00450 in view of Galbo, et al., U.S. Pat. No. 5,096,950 and WO 01/90113.

The Examiner has objected that the claims are not fully supported by the surprising results of working Examples E1-E4 on pages 60-62 of the specification.

Applicants submit that the present claims are now fully supported by the working Examples.

The Examiner has objected to the comparative test between compounds 138 (inventive, page 51) and compound 106 (comparative, page 50), since they have not been used in the same concentration. It therefore would not be clear to what any unexpected results may be attributed.

In the flame retardance test presented in Table 6, page 62, the flame retardancy becomes better when shorter burn times are measured. In other words: the shorter the burn time, the better the flame retardant effect.

Applicants would like to draw the Examiner's attention once again to Table 6. It is clear that all inventive combinations show improved flame retardance as compared to the references. However, **compound 138**, which is a cyclic ketal outperforms the **open chain compound 106**. Example E1 and E3 containing besides the other additives 0.5 parts of compound 106 show an average burn time of 20 and 17 seconds respectively, whereas compound 138 in examples E2 and E4 at 0.1 parts provides for 9 and 7 seconds respectively. **This result clearly demonstrates that compound 138 at a 5 times lower level is more effective than compound 106.**

These figures clearly indicate that in 4-position relative to the hydroxylamine ester, cyclic ketals are superior as compared to corresponding open chain compounds.

This substantial effect is neither disclosed nor suggested in the prior art, in particular WO 99/00450 is totally silent as to such an effect. Although US 5,096,950 and WO 01/90113 disclose among other compounds cyclic ketal structures as useful light stabilizers or polymerization initiators, there is totally lacking the required expectation of success, when combining the disclosures of WO 99/00450 and 5,096,950 or WO 01/90113.

Further, present claim 20 is focused exactly at the working Examples E1-E4. The specific hydroxylamine is compound 138 of page 51 of the disclosure.

Applicants submit that the present rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tyler A. Stevenson', with a long horizontal flourish extending to the right.

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Attachment: Petition for a one month extension of time



CASE PP/1-22658/A/CGM 516/PCT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
MICHAEL ROTH ET AL
INTERNATIONAL APPLICATION NO: PCT/EP 03/03726
FILED: APRIL 10, 2003
FOR: FLAME RETARDANT POLYMER
COMPOSITIONS CONTAINING
HYDROXYLAMINE ESTERS
U.S. APPLICATION NO: 10/511,853
35 USC 371 DATE: MAY 9, 2005

Group Art Unit: 1714
Examiner: K. A. Sanders
Confirmation No. 6347

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

The Office Action of April 3, 2006, has a shortened statutory time set to expire on July 3, 2006. A one-month extension is hereby requested pursuant to 37 CFR § 1.136(a).

Please charge Deposit Account No. 03-1935 in the amount of \$120.00 for payment of the extension fee. Two additional copies of this paper are here enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR § 1.17 which may be required, or credit any overpayment, to Account No. 03-1935.

Respectfully submitted,

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